



122 W. WASHINGTON AVENUE, MADISON, WI 53703  
PHONE: 608-257-2622 • FAX: 608-257-8386

JOHN H. ASHLEY, EXECUTIVE DIRECTOR

SB 372

TO: Senate Education Committee  
FROM: Sheri Krause, Government Relations Specialist  
DATE: October 28, 2009  
RE: LRB 3235/3, relating to using the results of standardized examinations to evaluate teachers and requiring the development of a teacher evaluation plan to be a mandatory subject of collective bargaining.

The **Wisconsin Association of School Boards (WASB)** opposes **LRB 3235/3**, relating to using the results of standardized examinations to evaluate teachers and requiring the development of a teacher evaluation plan to be a mandatory subject of collective bargaining.

The WASB supports the ability of school districts to use the results of state standardized examinations as one component in the evaluation of teachers. However, LRB 3235/3 would require school boards to comply with specific conditions in order to use the results of the examinations for this purpose, and maintain the prohibition on using the results for the purposes of nonrenewal or discharge. Due to the prescriptive nature of these conditions, it is likely that few, if any, boards would use the results of the state standardized examinations to evaluate teachers.

Under LRB 3235/3, in order to use the results of state standardized examinations, boards would have to develop a teacher evaluation plan that includes:

- A description of the evaluation process;
- Multiple criteria in addition to examination results;
- The rationale for using examination results for evaluating teachers; and
- An explanation of how the school board intends to use the evaluations to improve pupil achievement.

In addition, LRB 3235/3 would require school boards to bargain collectively over the teacher evaluation plan and all of its components. School districts typically only evaluate teachers once a year, and do not have the capacity to conduct multiple evaluations for multiple purposes. Evaluations are critical to the discharge or nonrenewal process.

The authority under LRB 3235/3 would require school boards to bargain collectively over all aspects of the teacher evaluation process and to create a separate evaluation process for removing ineffective teachers. Therefore, it is highly unlikely that any school board will use the results of state standardized examinations to evaluate teachers.

Furthermore, at this time, the state assessment system comprises primarily of the Wisconsin Knowledge and Concepts Examinations (WKCE). Individual school districts, however, use other district-level standardized testing to evaluate their student achievement progress.

State Superintendent Tony Evers recently announced that he intends to eliminate the WKCE and replace it with a more comprehensive assessment system, which may include classroom and district assessments. The WASB supports his efforts. However, this legislation may greatly complicate efforts to use any assessment for the purpose of teacher evaluations if district and classroom assessments are included in the revised state assessment system.

**The WASB would support the use of the results of state standardized examinations to evaluate teachers if school boards were not required to bargain collectively over all aspects of the teacher evaluation process or be prohibited from using those evaluations for the purposes of nonrenewal or discharge.**

**Senate Committee on Education**  
**Testimony of State Superintendent Tony Evers**  
**on LRB 3235/3, 3620/1, 3573/2, and 3486/1**  
**October 28, 2009**

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Thank you to Chairperson Lehman and members of the committee for the opportunity to testify in support of the four bills in front of you today. Together these bills will allow us to better utilize data to improve our efforts in both the K-12 and post-secondary educational systems to improve student achievement provide guidance for charter school authorizers and create consistency in regards to our efforts to improve student achievement in our largest school district.

The bills before you reflect some of the legislation the state needs to move forward on several education fronts and, in addition, make Wisconsin a stronger applicant for Federal Race to the Top funding. Representatives for the Governor may speak more to that today, but one issue I think we still need to address is the extent to which the state has the authority to intervene directly in the state's lowest performing schools. I have put forward a legislative proposal which would allow me to direct school boards to take certain actions if they have chronically underperforming schools.

In regards to the bills in front of us today, however, the first, LRB 3235/3, would make the state eligible to apply for Race to the Top funds. In order to be eligible a state must not have any legal, statutory, or regulatory barriers to linking student achievement or student growth data to teachers for the purpose of teacher evaluation. This bill removes the barrier in our current statutes. It also goes beyond that to provide an important assurance that tests are not used as the sole mechanism of evaluating teachers and a focus is maintained on using the evaluations to improve student achievement.

The next three bills are aligned with the major priorities of Race to the Top and overall good public policy that will have a positive impact on Wisconsin's education system.

LRB 3620/1 creates consistency in terms of the standards that should be considered when establishing a charter school. Independent charter schools are already required to consider the principles and standards of the National Association of Charter School Authorizers and under this bill all charter schools would have to do so. While we have strong charter schools in this state, this legislation will provide guidance for all charter school authorizers to approve, monitor and hold charter schools accountable.

LRB 3573/2 will provide the ability to link K-12 and postsecondary data in a statewide longitudinal data system that can be used to improve instruction. While the department does maintain a student identification system, this bill creates conditions for public or private research using the data and necessary protections for information that may contain personally identifiable information. As a condition of receiving federal stimulus funding, as well as a critical focus area under Race to the Top, the state had to ensure it would build a K-16 data system. The importance of our ability to connect our K-12 and post-secondary data will help better inform us on what we are doing at the K-12 to better prepare our students.

LRB 3486/1 would move a current grant program to improve pupil academic achievement for MPS from DOA to DPI and thus ensure an educationally consistent message from the state. As a state, we have critical work to do to improve student achievement in our largest school district. The department has been working with the Milwaukee Public Schools (MPS) on strategies to improve student achievement and has directed specific steps be taken as part of the district's corrective action plan. Yet as we continue to work with MPS, and as we look to apply for Race to the Top funds, it is advisable that as a state we are not asking MPS to implement different educational strategies from different agencies that could end up at cross purposes.

Thank you for the opportunity to speak before you today and I would be happy to answer any questions you may have.



**JIM DOYLE**  
GOVERNOR  
STATE OF WISCONSIN

SB 370  
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SB 373

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**Race to the Top Legislation – Fall 2009**

**Introduction:** The proposals before the Wisconsin State Legislature that relate to the state's Race to the Top application can be divided into two categories: eligibility requirements and competitive requirements. The eligibility requirements are those pieces that the state needs to have in place in order to have its application considered. The competitive requirements are those pieces of the grant application that will help Wisconsin separate itself from the applications of other states.

In each of five areas – standards and assessments; data systems; great teachers and leaders; turning around struggling schools; and STEM – the US Department of Education will assess states on its application as it relates to meeting state reform condition and reform plan criterion. This document indicates how these legislative proposals directly and indirectly match up to the grant in these areas.

**State Reform Conditions (SRC):** Reward states that demonstrate existing will and capacity to improve through conditions that promote reform and innovation.

**Reform Plan Criterion (RPC):** Reward states that demonstrate comprehensive reform strategies that are ambitious yet achievable.

**Eligibility Requirements**

**1. Teacher Evaluation and Student Performance:** This initiative is required for the state's application to be considered. The Notice of Proposed Priorities states: "In order to be eligible to apply for the grant, states must not have any restrictions preventing the linkage of student data to teachers and principals." Furthermore, for the state's data system to be the cornerstone of reform that the grant envisions, the data system must be able to be used to analyze data linking teachers to students in order to provide educational agencies the best information about reform options.

- **Secretary Duncan has explicitly emphasized the importance of being able to link student data with teacher data in order to improve educational quality.** On June 8<sup>th</sup> of this year, in reference to existing firewall laws, Duncan asked his audience to consider the effect of these laws "Think about that: Laws that prohibit us from connecting children to the adults who teach them... These state firewalls don't help us. They hurt all of us. They impede our ability to serve students and better understand how we can improve American education... Now I absolutely respect the concerns of teachers that test scores alone should never be used solely to determine salaries. I absolutely agree with that sentiment."<sup>1</sup>
- **Areas of RttT Grant Directly Addressed:** C2 (RPC) Differentiating Teacher and Principal Effectiveness Based on Performance; C4 (RPC) Reporting the Effectiveness of Teacher and Principal Preparation Programs; C5 (RPC) Providing Effective Support to Teachers and Principals; E1 (SRC) Law or Policy Conditions Favorable to Education Reform and Innovation.

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<sup>1</sup> This speech can be accessed at: <http://www.ed.gov/news/speeches/2009/06/06082009.html>

- **Areas of RttT Indirectly Addressed:** A3 (RPC) Supporting Transition to Enhanced Standards and High-Quality Assessments; B1 (SRC) Fully Implementing a Statewide Longitudinal Data System; B2 (RPC) Accessing and Using State Data; B3 (RPC) Using Data To Improve Instruction; Invitational Priority #1.

**2. Data Sharing:** A longitudinal data system is a cornerstone of the reforms the Obama Administration is pursuing through the Race to the Top program and reauthorization of the Elementary and Secondary Education Act. The grant emphasizes that data from the various education partners must be shared and accessible by the agencies responsible for educating a state's students from PK-20. Such data sharing not only allows better tracking of educational outcomes, but also allows a state to have a much better understanding of the development of its human capital.

- **Through research, better data systems will allow states to focus their educational reforms, to discover which programs are working, and to identify what makes great teachers successful.** The Obama Administration wants states to create comprehensive data systems that can exchange information about students from PK-12 to college and university.
- **Areas of RttT Grant Directly Addressed:** B1 (SRC) Fully Implementing a Statewide Longitudinal Data System; B2 (RPC) Accessing and Using State Data; B3 (RPC) Using Data To Improve Instruction; E1 (SRC) Law or Policy Conditions Favorable to Education Reform and Innovation; Invitational Priority #1 and #2
- **Areas of RttT Indirectly Addressed:** A3 (RPC) Supporting Transition to Enhanced Standards and High-Quality Assessments; C2 (RPC) Differentiating Teacher and Principal Effectiveness Based on Performance; C4 (RPC) Reporting the Effectiveness of Teacher and Principal Preparation Programs; C5 (RPC) Providing Effective Support to Teachers and Principals

**3. School District Charters:** Section D2 (SRC) states: "The State should have statutes and guidelines regarding how charter school authorizers approve, monitor, hold accountable, reauthorize, and close charter schools." As part of WI Act 28, the legislature required non-instrumentality charter authorizers to consider the guidelines and principles put forward by the National Alliance of Charter School Authorizers. This proposal would extend that requirement to school districts that issue charters. The Wisconsin Charter School Association supports this proposal.

- **States and authorizers must set high standards but allow flexibility if charter schools are going to innovate and successfully complement the public school system.** In an address to the National Alliance for Public Charter Schools, Secretary Duncan said: "Your goal should be quality, not quantity. Charter authorizers need to do a better job of holding schools accountable—and the charter schools need to support them—loudly and sincerely... I applaud the work that the Alliance is doing with the National Association of Charter School Authorizers to strengthen academic and operational quality."<sup>2</sup>
- **Areas of RttT Grant Directly Addressed:** D2 (SRC) See above; D3 (RPC) Turning around struggling schools;
- **Areas of RttT Indirectly Addressed:** D1 (SRC) Intervening in the Lowest Performing schools and LEAs;

<sup>2</sup> This speech can be accessed at: <http://www.ed.gov/news/speeches/2009/06/06222009.html>

## Competitive Requirements:

4. **State Superintendent Authorities:** A primary component of Race to the Top is allowing, if necessary, substantial interventions into chronically under-performing schools. The grant states: "The State should have the legal authority to intervene directly in the State's persistently lowest performing schools and in LEAs that are in improvement and corrective action status." The State Superintendent should have the authority to direct a persistently low-performing school or district to: implement new curriculum and instructional design, implement professional development strategies, make personnel changes consistent with collective bargaining agreements, and adopt other accountability measures to monitor the district's finances or to monitor interventions directed by the state superintendent.

- **The State is morally obligated to intervene in persistently failing schools and districts.** Secretary Duncan argues "States and districts have a legal obligation to hold administrators and teachers accountable, demand change and, where necessary, compel it. They have a moral obligation to do the right thing for those children."<sup>3</sup>
- **Areas of RttT Grant Directly Addressed:** D1 (SRC) Intervening in the lowest performing schools and LEAs; D3 (RPC) Turning around struggling schools (see above);
- **Areas of RttT Indirectly Addressed:** E1 (SRC) Favorable conditions for reform; E4 (RPC) Raising achievement and closing gaps; Invitational Priority #3.

5. **Third Year of Math and Science:** 36 states require at least three years of math and science for high school graduation. A requirement that all Wisconsin high school graduates successfully complete three years of math and science is not only in line with the evolution of educational requirements across the nation, but is also an important component of other economic policies. There has been an increasing emphasis from the US Departments of Education and Labor on providing students and workers with the skills and knowledge necessary to thrive in a new knowledge-based economy.

- **WI needs more students prepared for careers in science, technology, engineering, and math in order to be economically competitive and successful in the long term.** Secretary Duncan stated, "In science, our eighth graders are behind their peers in eight countries that also participated in the original international assessment. In math, although scores have improved somewhat since 1995, our 15 year-olds' scores now lag behind those of 31 countries. Four countries—Korea, Singapore, Hong Kong and Finland—outperform U.S. students on math, science and all other subjects."<sup>4</sup>

Wisconsin expects that more career openings will exist in fields related to science, engineering, technology and mathematics than in fields not related to those areas.<sup>5</sup> Providing our students with more exposure to math and science in high school will better prepare them for post-secondary education studies in these areas and the workforce.

- **Areas of RttT Grant Directly Addressed:** Competitive Preference Priority #1 (STEM); A1 (SRC) Developing and Adopting common standards
- **Areas of RttT Indirectly Addressed:** A2 (SRC) Developing and implementing common high-quality assessments; E1 (SRC) Demonstrating significant progress; E4 (RPC) Raising achievement and closing gaps

<sup>3</sup> See speech referenced in footnote 2.

<sup>4</sup> This speech can be accessed at: <http://www.ed.gov/news/speeches/2009/10/10232009.html>

<sup>5</sup> WI Department of Workforce Development

**Senate Education Committee  
October 28, 2009**

**Hearing on  
Race to the Top Legislative Initiatives**

**Secretary Michael L. Morgan  
Department of Administration**

Chairman Lehman and members of the committee, thank you for the opportunity to speak to you today about the U.S. Department of Education's Race to the Top grant program and the Governor's proposals to make Wisconsin both eligible and more competitive for the \$4 billion that will be made available to states that apply for these funds.

**Overview of Race to the Top Application**

- As members of the committee are aware, the application requires states to take necessary actions to become eligible and then specifies four areas where states must make policy recommendations for the grant application:
  - Standards and Assessments
  - Data Systems
  - Great Teachers and Leaders
  - Turning Around Struggling Schools
- And one other area where states may make policy recommendations to better compete for the grant – Science, Technology, Engineering and Math or STEM.
- The Governor's package includes five initiatives for the purpose of making Wisconsin eligible and competitive for Race to the Top.

## **Eligibility**

- To apply for the grant states must not have any prohibition on the use of student performance data as part of evaluating teachers.
- The Governor's proposal removes that barrier and makes clear that the student performance on the WKCE, and other federally required exams under the Elementary and Secondary Education Act, not be the sole criteria used to evaluate the effectiveness of teachers. It also requires that school boards bargain with local unions over the following:
  - 1) A description of the teacher evaluation process
  - 2) The rational for using examination results to evaluate teachers
  - 3) An explanation of how the school board intends to use the evaluations to improve pupil academic achievement

This proposal also makes clear that the results of student performance on the WKCE may not be the sole factor used in discharging, suspending or disciplining a teacher or not-renewing a teacher's contract.

This provision is different from the proposal before the committee, which prohibits the use of the WKCE, and other tests under the Elementary and Secondary Education Act, from being used to discharge, suspend or discipline a teacher or not-renew a teacher's contract.

- The Obama Administration, through the RTT application process, is challenging all of us to create comprehensive evaluations of teacher effectiveness that use data on student performance. The Obama Administration wants states to use this information regarding teacher

effectiveness as part of evaluating, disciplining and dismissing teachers.

### **Data Systems and Sharing**

- In applying for the grant, it is expected that states will have in place integrated data systems that are used to inform parents, students, teachers, principals, administrators, school board members, higher education leaders and state policy-makers.
- At the school level, data should be used to inform teachers and principals on how to support individual student learning as well as how to adjust instructional practices to more broadly support all students.
- Information about students and teachers should be available for research to evaluate questions about the effectiveness of instructional materials, teaching strategies and approaches for educating students that might have limited English proficiency or students with disabilities.
- Collection and sharing of this data will allow us to explore in our colleges and universities questions regarding student preparedness for post-secondary education.
- Researchers will begin to help policy-makers understand what strategies are effective at improving student learning at all levels, which will help us make investment decisions.
- The Governor's proposal provides a framework for the Department of Public Instruction, UW System, WI Technical College System and the members of the WI Association of Independent Colleges and Universities to share data for the purpose of research.

- The framework does not alter the existing authorities and responsibilities that each of the institutions has, but rather provides a means to share data about students in a manner that protects student privacy.

### **Turning Around Schools**

- In order to ensure that every child in Wisconsin has access to a high-quality education, we need to make certain that the state superintendent has the authority he needs to intervene in our lowest performing schools and school districts. Our state superintendent must be able to work directly with these schools to improve the education of the children in those schools.
- The RTT grant application is explicit on this issue of ensuring that states have the necessary authority to intervene in chronically under-performing schools.
- The Governor worked closely with State Superintendent Evers on this proposal and it would provide authority to the Superintendent to intervene in chronically under-performing schools.
- Specifically, the proposal would permit the superintendent to do the following:
  - 1) Implement a new curriculum in one or more schools.
  - 2) Implement a new instructional design in one or more schools.
  - 3) Implement professional development focused on student and school improvement.
  - 4) Make personnel changes consistent with applicable collective bargaining agreements.
  - 5) Adopt accountability measures to monitor the district's finances or to monitor other interventions directed by the state superintendent.

- In using this authority, the superintendent would require school boards to consult with school staff on implementation of the state superintendent's directives – providing a means of involving those that will be responsible for implementing the superintendent's directive.
- The Obama Administration is supportive of states having high-quality standards and guidelines for its charter schools.
- In Wisconsin, we have a number of charter schools and no restrictions on the creation of charter schools. Earlier this year, in the budget, the legislature required non-instrumentality charter schools to consider the standards and principles of the National Association of Charter School Authorizers.
- The Governor's proposal would require that district chartered schools consider these standards and principles. Specifically, the standards and principles relate to issues of performance contracting, oversight, evaluation and decisions about renewing charters.

### **Math and Science**

- The RTT application puts forward a competitive priority that asks states to consider submitting recommendations to focus on improving learning in the areas of science, technology, engineering and math and the Governor intends to pursue recommendations in this area for the application.
- Currently, 36 states require high school graduates to complete three years of both math and science.

- It is a requirement to apply to any of our University of Wisconsin institutions.
- The Governor is committed to preparing our students for advanced STEM education at the university and technical college level, and for careers in those areas, and that is why he proposes to have Wisconsin high school graduates complete 3 years of math and 3 years of science.
- By exposing our students in high school to more math and science course work they will be more interested in these fields of study in post-secondary education and better be prepared for the course work in these areas.
- The Governor wants to increase the number of graduates from our technical colleges and universities from STEM related fields.
- The number of graduates with a bachelor's degree in engineering was about 15% lower in 2005 than in 1985. Yet, demand for engineering graduates is increasing. The US Department of Labor estimated that the US needs 114,000 such graduates each year, but is producing about 65,000.
- Places such as China and India are producing more graduates in engineering fields each year at both the bachelor's and associate degree levels.
- In Wisconsin, job openings in STEM related fields are expected to be more than those in non-STEM related fields.
- We currently have some great programs in Wisconsin that support STEM education. These include programs such as Project Lead the Way and charter schools that focus on math and science.

- The Governor's application will identify other ways to support STEM education, but the legislature can take an important step by passing a bill to require 3 years of math and science for our high school graduates.

## **Conclusion**

- The bills before the legislature, as I have already discussed, are divided into 2 areas or categories.
- Eligibility requirements, that is those pieces that the state must have in place to have its application considered; and competitive requirements or those measures that will help Wisconsin separate itself from the applications of other states.
- We believe if these measures are enacted Wisconsin will compete well for RTT grants, bringing most needed investment to our schools, for our children.
- I'd be happy to take any questions at this time from members of the committee.



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-3357/2

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## 2009 BILL

1 AN ACT *to amend* 118.33 (1) (a) 1. of the statutes; **relating to:** high school  
2 graduation requirements.

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***Analysis by the Legislative Reference Bureau***

Under current law, a school board may not grant a high school diploma to any pupil unless the pupil has earned, in grades 9 to 12, at least 4 credits of English, 3 credits of social studies, 2 credits of mathematics, 2 credits of science, and 1.5 credits of physical education.

Beginning with pupils graduating in 2015, this bill requires an additional credit of mathematics and of science.

For further information see the **local** fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3 SECTION 1. 118.33 (1) (a) 1. of the statutes is amended to read:

4 118.33 (1) (a) 1. In the high school grades, at least 4 credits of English including  
5 writing composition, 3 credits of social studies including state and local government,  
6 ~~2~~ 3 credits of mathematics, ~~2~~ 3 credits of science and 1.5 credits of physical education.

## SECTION 2. Initial applicability.

(a) 1. of the statutes first applies to pupils graduating from high school in 2015.

(END)



State of Wisconsin  
2009 – 2010 LEGISLATURE

LRB-3620/1  
PG:kjf:jf

## 2009 BILL

1     **AN ACT** *to renumber and amend* 118.40 (2r) (fm) of the statutes; **relating to:**  
2     establishing or contracting for the establishment of a charter school.

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***Analysis by the Legislative Reference Bureau***

Current law requires an entity authorized to establish or contract for the establishment of an independent charter school (the city of Milwaukee, the University of Wisconsin–Milwaukee, the University of Wisconsin–Parkside, and Milwaukee Area Technical College) to consider the principles and standards for quality charter schools established by the National Association of Charter School Authorizers when establishing or contracting for the establishment of a charter school.

This bill extends this duty to school boards when they establish or contract for the establishment of a charter school.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

3     **SECTION 1.** 118.40 (2r) (fm) of the statutes is renumbered 118.40 (3) (e) and  
4     amended to read:

5     118.40 (3) (e) When establishing or contracting for the establishment of a  
6     charter school under this subsection, ~~an~~ section, a school board or entity specified

**BILL**

**SECTION 1**

1 under ~~par. sub. (2r)~~ (b) shall consider the principles and standards for quality charter  
2 schools established by the National Association of Charter School Authorizers.

3 (END)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-3521/3  
PG:kjf:rs

2009 BILL

- 1 AN ACT *to renumber* 121.006 (1) (a); and *to create* 115.292 and 121.006 (1) (a)  
2 2. of the statutes; **relating to:** authorizing the state superintendent of public  
3 instruction to direct a school district to implement a new curriculum or  
4 instructional design, make personnel changes, or adopt accountability  
5 measures, and requiring the exercise of rule-making authority.

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***Analysis by the Legislative Reference Bureau***

This bill provides that if the state superintendent of public instruction determines that a school or school district is in need of improvement, the state superintendent may direct the school board to do one or more of the following in the school or school district:

1. Implement a new curriculum.
2. Implement a new instructional design, including expanded school hours, additional pupil supports and services, and individual learning plans for pupils.
3. Implement professional development programs focused on improving pupil academic achievement.
4. Make personnel changes that are consistent with applicable collective bargaining agreements.
5. Adopt accountability measures to monitor the school district's finances or to monitor other interventions directed by the state superintendent.

The bill directs the state superintendent to promulgate rules establishing criteria and a procedure for determining whether a school or school district is in need

**BILL**

of improvement for the purpose of exercising this authority. The school board must seek input from school district staff on implementing any of the above directives.

The bill also authorizes the state superintendent to withhold state aid from any school district that fails to comply to the state superintendent's satisfaction with any of the above directives.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1       SECTION 1. 115.292 of the statutes is created to read:

2       **115.292 State superintendent interventions.** (1) If the state  
3 superintendent determines that a school or school district is in need of improvement,  
4 the state superintendent may direct the school board to do one or more of the  
5 following in the school or school district:

6       (a) Implement a new curriculum.

7       (b) Implement a new instructional design, including expanded school hours,  
8 additional pupil supports and services, and individual learning plans for pupils.

9       (c) Implement professional development programs focused on improving pupil  
10 academic achievement.

11       (d) Make personnel changes that are consistent with applicable collective  
12 bargaining agreements.

13       (e) Adopt accountability measures to monitor the school district's finances or  
14 to monitor other interventions directed by the state superintendent under pars. (a)  
15 to (d).

16       (2) If a school board receives a directive from the state superintendent under  
17 sub. (1), the school board shall seek input from school district staff on implementing  
18 the directive.

# BILL

1           **(3)** The state superintendent shall promulgate rules establishing criteria and  
2           a procedure for determining whether a school or school district is in need of  
3           improvement under sub. (1).

4           **SECTION 2.** 121.006 (1) (a) of the statutes is renumbered 121.006 (1) (a) 1.

5           **SECTION 3.** 121.006 (1) (a) 2. of the statutes is created to read:

121.006 (1) (a) 2. The state superintendent may withhold state aid from any school district that fails to comply to the state superintendent's satisfaction with a directive under s. 115.292 (1).

9 (END)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-3573/2  
PG:nwn:md

## 2009 BILL

- 1     **AN ACT** *to create* 36.11 (31), 38.04 (19) and 115.297 of the statutes; **relating to:**  
2             authorizing the Department of Public Instruction, the University of Wisconsin  
3             System, the Technical College System, and the Wisconsin Association of  
4             Independent Colleges and Universities to study each other's education  
5             programs, requiring a written agreement concerning such studies, and  
6             requiring the establishment of a longitudinal data system of student data.

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***Analysis by the Legislative Reference Bureau***

This bill directs the Board of Regents of the University of Wisconsin System, the Technical College System Board, the Department of Public Instruction, and the Wisconsin Association of Independent Colleges and Universities (agencies) to enter into a written agreement that:

1. Requires the agencies to establish a longitudinal data system of student data that links such data from preschool programs through postsecondary education programs.
2. Describes the process by which any of the agencies may evaluate and study education programs operated or supervised by one or more of the other agencies.
3. Requires an agency to obtain the approval of, and enter into a written agreement with, the other agency before it can study or evaluate the latter agency's education programs.
4. Requires the agencies to exchange student data to the extent necessary to perform the evaluation or study.

**BILL**

5. Allows the agencies to collaborate with other persons, including state agencies, to import workforce or other data into the longitudinal data system to assist with an evaluation or study.

The bill authorizes the agencies to submit student data to the longitudinal data system, to another agency, or to a public or private research organization to support an evaluation or study. If the student data contains personally identifiable information, however, an agency's disclosure must be in connection with a data-sharing agreement that:

1. Specifies the purpose, scope, and duration of the agreement.  
2. Requires the recipient to use personally identifiable information only for the purpose specified.

3. Describes the specific data access, use, and security restrictions with which the recipient must comply.

4. Requires that the personally identifiable information be destroyed or returned when no longer needed or upon expiration of the data-sharing agreement, whichever occurs first.

5. If the disclosure is to a public or private research organization, prohibits the personal identification of any person by individuals other than authorized representatives of the recipient who have legitimate interests in the information.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1        **SECTION 1.** 36.11 (31) of the statutes is created to read:

2        **36.11 (31)** COOPERATIVE RESEARCH ON EDUCATION PROGRAMS. The board shall  
3        enter into a written agreement with the department of public instruction, the  
4        technical college system board, and the Wisconsin Association of Independent  
5        Colleges and Universities to cooperatively conduct research on preschool through  
6        postsecondary education programs under s. 115.297, except as provided in s. 115.297  
7        (5) (b).

8        **SECTION 2.** 38.04 (19) of the statutes is created to read:

9        **38.04 (19)** COOPERATIVE RESEARCH ON EDUCATION PROGRAMS. The board shall  
10        enter into a written agreement with the department of public instruction, the board  
11        of regents of the University of Wisconsin System, and the Wisconsin Association of

**BILL**

1 Independent Colleges and Universities to cooperatively conduct research on  
2 preschool through postsecondary education programs under s. 115.297, except as  
3 provided in s. 115.297 (5) (b).

4 **SECTION 3.** 115.297 of the statutes is created to read:

5 **115.297 Cooperative research on education programs; statewide**  
6 **student data system. (1) DEFINITIONS.** In this section:

7 (a) "Agencies" means the department, the board of regents of the University of  
8 Wisconsin System, the technical college system board, and the Wisconsin  
9 Association of Independent Colleges and Universities.

10 (b) "Personally identifiable" means personally identifiable information, as  
11 defined in 34 CFR 99.3.

12 (c) "Postsecondary education" means education at an institution of higher  
13 education occurring after the completion of high school, including undergraduate,  
14 graduate and professional education.

15 (d) "Student data" means information contained in education records, as  
16 defined in 34 CFR 99.3, and pupil records, as defined in s. 118.125 (1) (d).

17 **(2) EVALUATIONS AND STUDIES OF EDUCATION PROGRAMS.** Any of the agencies on  
18 their own or jointly with one or more of the other agencies may evaluate and study  
19 education programs operated or supervised by one or more of the other agencies,  
20 pursuant to the written agreement entered into under sub. (3), for the purpose of  
21 improving student academic achievement beginning with preschool programs and  
22 continuing through postsecondary education.

23 **(3) WRITTEN AGREEMENT.** By the first day of the 3rd month beginning after the  
24 effective date of this subsection .... [LRB inserts date], the agencies shall enter into  
25 a written agreement that does all of the following:

**BILL****SECTION 3**

1           (a) Requires that the agencies establish and maintain a longitudinal data  
2       system of student data that links such data from preschool programs to  
3       postsecondary education programs, and describes the process by which the data  
4       system will be established and maintained. The data system may consist of separate  
5       record systems integrated through agreement and data transfer mechanisms.

6           (b) Describes the process by which any of the agencies on their own or jointly  
7       with one or more of the other agencies may evaluate and study education programs  
8       operated or supervised by one or more of the other agencies for the purpose of  
9       improving student academic achievement beginning with preschool programs and  
10      continuing through postsecondary education.

11          (c) Prohibits any of the agencies from evaluating or studying another agency's  
12      education programs without the approval of the latter agency and a written  
13      agreement specifying the level of supervision and involvement that each of the  
14      agencies will have in the work performed.

15          (d) Requires the agencies to exchange student data to the extent necessary to  
16      perform the evaluation or study approved under par. (c).

17          (e) Establishes a system for the agencies to enter into data-sharing agreements  
18      with each other and with public and private research organizations under sub. (4).

19          (f) Establishes a process by which one or more of the agencies may collaborate  
20      with other persons, including state agencies, to import workforce or other data into  
21      the longitudinal data system under par. (a) to assist with an evaluation or study  
22      approved under par. (c).

23          (g) Commits the agencies to protect student privacy and comply with laws  
24      pertaining to the privacy of student data.

**BILL**

1           **(4) DATA SHARING.** (a) Except as provided in par. (b), any of the agencies may  
2       submit student data to the longitudinal data system under sub. (3) (a), to another  
3       agency, or to a public or private research organization, to support an evaluation or  
4       study under this section.

5           (b) Any of the agencies may disclose personally identifiable student data to the  
6       longitudinal data system under sub. (3) (a), to another agency, or to a public or private  
7       research organization, to support an evaluation or study under this section if the  
8       disclosure is in connection with a data-sharing agreement that does all of the  
9       following:

10           1. Specifies the purpose, scope, and duration of the data-sharing agreement.  
11           2. Requires the recipient to use personally identifiable student data only for the  
12       purpose specified in subd. 1.

13           3. Describes the specific data access, use, and security restrictions with which  
14       the recipient will comply.

15           4. Requires that the personally identifiable student data be destroyed or  
16       returned when no longer needed for the purpose specified in subd. 1. or upon  
17       expiration of the data-sharing agreement, whichever occurs first.

18           5. If the disclosure is to a public or private research organization, prohibits the  
19       personal identification of any person by individuals other than authorized  
20       representatives of the recipient who have legitimate interests in the information.

21           **(5) EXISTING AUTHORITY.** (a) Nothing in this section, and nothing in the written  
22       agreement under sub. (3) or in a data-sharing agreement entered into under sub. (4),  
23       may be construed to infringe upon or diminish the legal authority of any of the  
24       agencies.

# BILL

(b) Failure of any of the agencies to enter into a written agreement under sub. (3) does not affect the powers and duties conferred upon the other agencies under this section or under s. 36.11 (31) or 38.04 (19).

4 (END)



State of Wisconsin  
2009 – 2010 LEGISLATURE

LRB-3356/4  
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## 2009 BILL

1 AN ACT *to amend* 111.70 (1) (a), 118.30 (2) (c) and 119.04 (1); and *to create* 111.70  
2 (4) (o) and 118.225 of the statutes; **relating to:** using the results of  
3 standardized examinations to evaluate teachers and requiring the  
4 development of a teacher evaluation plan to be a mandatory subject of collective  
5 bargaining.

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### *Analysis by the Legislative Reference Bureau*

Current law directs school districts to administer certain standardized examinations to pupils enrolled in the 4th, 8th, and 10th grades. Current law prohibits a school board from using the results of the examinations to evaluate teacher performance; to discharge, suspend, or formally discipline a teacher; or as the reason for the nonrenewal of a teacher's contract.

This bill allows the results of the state-required standardized examinations and the standardized examinations required under the federal No Child Left Behind Act to be used for the evaluation of teacher performance if certain conditions are met. The school board must develop a teacher evaluation plan that includes a description of the evaluation process, multiple criteria in addition to examination results, the rationale for using examination results for evaluating teachers, and an explanation of how the use of examination results will improve pupil academic performance. The bill requires a school district to bargain collectively over the development of the teacher evaluation plan.

**BILL**

The bill also provides that the results of the state-required standardized examinations may not be the sole reason for discharging, suspending, or formally disciplining a teacher or for not renewing a teacher's contract.

The bill first applies to examinations administered during the 2010-11 school year.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1       SECTION 1. 111.70 (1) (a) of the statutes, as affected by 2009 Wisconsin Act 28,  
2       is amended to read:

3       111.70 (1) (a) "Collective bargaining" means the performance of the mutual  
4       obligation of a municipal employer, through its officers and agents, and the  
5       representative of its municipal employees in a collective bargaining unit, to meet and  
6       confer at reasonable times, in good faith, with the intention of reaching an  
7       agreement, or to resolve questions arising under such an agreement, with respect to  
8       wages, hours and conditions of employment, and with respect to a requirement of the  
9       municipal employer for a municipal employee to perform law enforcement and fire  
10      fighting services under s. 61.66 and for a school district with respect to any matter  
11      under sub. (4) (o), except as provided in subs. (3m), (3p), and (4) (m) and (mc) and s.  
12      40.81 (3) and except that a municipal employer shall not meet and confer with respect  
13      to any proposal to diminish or abridge the rights guaranteed to municipal employees  
14      under ch. 164. The duty to bargain, however, does not compel either party to agree  
15      to a proposal or require the making of a concession. Collective bargaining includes  
16      the reduction of any agreement reached to a written and signed document. The  
17      municipal employer shall not be required to bargain on subjects reserved to  
18      management and direction of the governmental unit except insofar as the manner

**BILL**

1 of exercise of such functions affects the wages, hours and conditions of employment  
2 of the municipal employees in a collective bargaining unit. In creating this  
3 subchapter the legislature recognizes that the municipal employer must exercise its  
4 powers and responsibilities to act for the government and good order of the  
5 jurisdiction which it serves, its commercial benefit and the health, safety and welfare  
6 of the public to assure orderly operations and functions within its jurisdiction,  
7 subject to those rights secured to municipal employees by the constitutions of this  
8 state and of the United States and by this subchapter.

9 **SECTION 2.** 111.70 (4) (o) of the statutes is created to read:

10 111.70 (4) (o) *Mandatory subjects of bargaining.* In a school district, in addition  
11 to any subject of bargaining on which the municipal employer is required to bargain  
12 under sub. (1) (a), the municipal employer is required to bargain collectively with  
13 respect to the development of or any changes to a teacher evaluation plan under s.  
14 118.225.

15 **SECTION 3.** 118.225 of the statutes is created to read:

16 **118.225 Teacher evaluations.** A school board may use the results of  
17 examinations administered to pupils under s. 118.30 and 20 USC 6311 (b) (3) to  
18 evaluate teachers if the school board has developed a teacher evaluation plan that  
19 includes all of the following:

20 (1) A description of the evaluation process.

21 (2) The rationale for using examination results to evaluate teachers.

22 (3) An explanation of how the use of examination results will improve pupil  
23 academic achievement.

24 (4) Multiple criteria in addition to examination results.

25 **SECTION 4.** 118.30 (2) (c) of the statutes is amended to read:

**BILL****SECTION 4**

1 118.30 (2) (c) The results of examinations administered under this section to  
2 pupils enrolled in public schools, including charter schools, may not be used to  
3 ~~evaluate teacher performance, to discharge, suspend or formally discipline the sole~~  
4 ~~reason for discharging, suspending, or formally disciplining a teacher or as the~~  
5 ~~reason for the nonrenewal of~~ for not renewing a teacher's contract.

6 **SECTION 5.** 119.04 (1) of the statutes, as affected by 2009 Wisconsin Act 28, is  
7 amended to read:

8 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
9 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,  
10 115.345, 115.361, 115.365 (3), 115.38 (2), 115.445, 115.45, 118.001 to 118.04, 118.045,  
11 118.06, 118.07, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153,  
12 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.225, 118.24 (1), (2) (c)  
13 to (f), (6) and (8), 118.255, 118.258, 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55,  
14 120.12 (5) and (15) to (25), 120.125, 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26),  
15 (34), (35), (37), (37m), and (38), 120.14, 120.21 (3), and 120.25 are applicable to a 1st  
16 class city school district and board.

17 **SECTION 6. Initial applicability.**

18 (1) The treatment of section 111.70 (1) (a) and (4) (o) of the statutes first applies  
19 to a collective bargaining agreement that covers the 2010-11 school year.

20 (2) The treatment of sections 118.225, 118.30 (2) (c), and 119.04 (1) of the  
21 statutes first applies to examinations administered during the 2010-11 school year.

22 (END)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-3486/P1  
TKK:jld:jf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *to repeal* 115.395 (1); *to renumber* 115.395 (title); *to renumber and*  
2 *amend* 115.395 (2), 115.395 (3) and 115.395 (4); and *to amend* 20.255 (2) (df)  
3 of the statutes; **relating to:** grants for improving academic achievement.

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***Analysis by the Legislative Reference Bureau***

Under current law, the school board of the Milwaukee Public Schools (MPS) may apply to the Department of Administration (DOA) for an annual grant to be used by MPS to improve pupil academic achievement. MPS must include with the application a plan describing the initiatives for which the grant moneys will be used. If DOA approves the plan, it must notify the Department of Public Instruction (DPI), and the state superintendent must pay MPS the amount specified in the notice from DOA.

This bill changes the department to which MPS may apply for a grant from DOA to DPI.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

4 SECTION 1. 20.255 (2) (df) of the statutes is amended to read:

1           20.255 (2) (df) *Grants for improving pupil academic achievement.* The amounts  
2           in the schedule for grants to the school district operating under ch. 119 to improve  
3           pupil academic achievement under s. ~~115.395~~ 119.245.

4           SECTION 2. 115.395 (title) of the statutes is renumbered 119.245 (title).

5           SECTION 3. 115.395 (1) of the statutes is repealed.

6           SECTION 4. 115.395 (2) of the statutes is renumbered 119.245 (2) and amended  
7           to read:

8           119.245 (2) Beginning in the 2008-09 school year, the board may apply to the  
9           department of ~~administration~~ for an annual grant of up to \$10,000,000 to implement  
10          initiatives to improve pupil academic achievement in all grades, such as employing  
11          licensed teachers to tutor pupils who are struggling academically, or employing  
12          persons to coordinate the district's instructional programs and provide ongoing  
13          professional development for teachers. The board shall submit with its application  
14          a plan for the ~~department of administration's~~ department's approval describing the  
15          initiatives for which the grant will be used, describing the research showing that the  
16          initiatives have a positive effect on pupil academic achievement, and including  
17          criteria for evaluating the effectiveness of the initiatives, such as high school  
18          graduation rates or the results of the statewide pupil assessments under ~~ch. s.~~  
19          118.30.

20          SECTION 5. 115.395 (3) of the statutes is renumbered 119.245 (3) and amended  
21          to read:

22          119.245 (3) The ~~department of administration~~ may approve the plan submitted  
23          under sub. (2) in whole or in part. If the department approves a plan in part, the  
24          board may submit an additional plan for the same school year and the department  
25          may award the board all or part of the balance of grant funds.

1           SECTION 6. 115.395 (4) of the statutes is renumbered 119.245 (4) and amended  
2   to read:

119.245 (4) Upon receipt of a notice from the The department of administration  
that a plan has been approved under sub. (3), the state superintendent shall pay  
award grants to the board, from the appropriation under s. 20.255 (2) (df), the  
amount specified by the department of administration.

7 (END)